

any opinion arising out from Michigan in the 6th Circuit. The phrase appears exactly once in Michigan statute, under the Michigan State Natural Resources and Environmental Protection Act. See Mich. Comp. Laws § 324.20139. Only two cases cite that statute, one dismisses a civil claim based, in part, on the statute and the other states the statute only "authorizes criminal prosecutions[]" *Cairns v. City of E. Lansing*, 738 N.W.2d 246, 252 (Mich. App. 2007) (emphasis added). "Criminal endangerment" is not a recognized cause of action in Michigan and the claim must be dismissed.

II. Conclusion

As set forth in this Motion, all of Plaintiff's claims are subject to dismissal because they are barred by governing statute and case law, Plaintiff has failed to allege sufficient facts to plausibly state any claim for relief, or both. The Motion should be granted in its entirety and Plaintiff's claims against Defendants should be dismissed with prejudice.

FILED - GR
July 6, 2015 11:19 AM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: ald SCANNED BY MH/7/15

Originally filed 6/23

RESPECTFULLY SUBMITTED this Thursday, July 2, 2015.

original signature sent



Michael Harnden
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Charles Rodrick and Web Express,
LLC



Law Office Of
Barry W. Rorex

Signature pages for Motion
to Dismiss - Rodrick &
(Dated 6/23/15) WebExpress
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2 Certificate of Service
3

4 I hereby certify that on July 2, 2015, I mailed the foregoing to the Clerk's office for filing at the
5 following address:
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7 Hon. Ellen S. Carmody
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9 399 Federal Bldg
10 110 Michigan St NW
11 Grand Rapids MI 49503
12

13 I further certify, pursuant to the agreement between the parties, that a copy of the foregoing was
14 sent via email to Plaintiff.
15

16 
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18 Counsel for Defendants
19 Charles Rodrick and Web Express,
20 LLC
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